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Board of Vocational Nursing
and Psychiatric Technicians

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**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2010-1512

DEBRA ANN VALDEZ
933 Ocotillo Drive
Barstow, CA 92311
Vocational Nurse License No. VN 210313

A C C U S A T I O N

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.

2. On or about August 4, 2004, the Board of Vocational Nursing and Psychiatric Technicians issued Vocational Nurse License Number VN 210313 to Debra Ann Valdez (Respondent). The Vocational Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on April 30, 2012, unless renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Board of Vocational Nursing and Psychiatric
3 Technicians (Board), Department of Consumer Affairs, under the authority of the following laws.
4 All section references are to the Business and Professions Code unless otherwise indicated.

5 **STATUTORY PROVISIONS**

6 4. Section 2875 of the Business and Professions Code ("Code") provides, in pertinent
7 part, that the Board of Vocational Nursing and Psychiatric Technicians ("Board") may discipline
8 the holder of a vocational nurse license for any reason provided in Article 3 (commencing with
9 section 2875) of the Vocational Nursing Practice Act.

10 5. Section 477 of the Code states:

11 As used in this division:

12 "(a) 'Board' includes 'bureau,' 'commission,' 'committee,' 'department,' 'division,'
13 'examining committee,' 'program,' and 'agency.'

14 "(b) 'License' includes certificate, registration or other means to engage in a
15 business or profession regulated by this code."

16 6. Section 118, subdivision (b), of the Code provides that the
17 suspension/expiration/surrender/cancellation of a license shall not deprive the
18 Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period
19 within which the license may be renewed, restored, reissued or reinstated.

20 7. Section 2878 of the Code states:

21 "The Board may suspend or revoke a license issued under this chapter [the Vocational
22 Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:

23 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

24 (1) Incompetence, or gross negligence in carrying out usual nursing functions.

25 . . .

26 "(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
27 violating of, or conspiring to violate any provision or term of this chapter.

1 "(e) Making or giving any false statement or information in connection with the application
2 for issuance of a license.

3 ...

4 "(j) The commission of any act involving dishonesty, when that action is related to the
5 duties and functions of the licensee.

6 8. Section 475 of the Code states:

7 "(a) Notwithstanding any other provisions of this code, the provisions of this division shall
8 govern the denial of licenses on the grounds of:

9 "(1) Knowingly making a false statement of material fact, or knowingly
10 omitting to state a material fact, in an application for a license.

11 9. California Code of Regulations, title 16, section 2521, states:

12 "For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5
13 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be
14 considered to be substantially related to the qualifications, functions or duties of a licensed
15 vocational nurse if to a substantial degree it evidences present or potential unfitness of a licensed
16 vocational nurse to perform the functions authorized by his license in a manner consistent with
17 the public health, safety, or welfare. Such crimes or acts shall include but not be limited to those
18 involving the following:

19 "(a) Procuring a license by fraud, misrepresentation, or mistake.

20 ...

21 "(c) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
22 violation of, or conspiring to violate any provision or term of Chapter 6.5, Division 2 of the
23 Business and Professions Code.

24 10. Section 125.3 of the Code provides, in pertinent part, that the
25 Board/Registrar/Director may request the administrative law judge to direct a licensee found to
26 have committed a violation or violations of the licensing act to pay a sum not to exceed the
27 reasonable costs of the investigation and enforcement of the case.

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FIRST CAUSE FOR DISCIPLINE

(Making a False Statement on Application for Initial Licensure)

11. Respondent is subject to disciplinary action under section 475 and 2878, subdivision (a), (d) and (e), on the grounds of unprofessional conduct, in that Respondent made or gave false statements or information in connection with her vocational nurse license. The circumstances are as follows:

12. On or about August 21, 2003, Respondent submitted her application to the Board. Respondent submitted transcripts from the University of Oklahoma. The transcripts were not valid.

SECOND CAUSE FOR DISCIPLINE

(Procuring a License by Fraud or Misrepresentation)

13. Respondent is subject to disciplinary action under section 2878, subdivision (a), in conjunction with California Code of Regulations, title 16, section 2521, subdivision (a) and (c), on the grounds of unprofessional conduct, in that Respondent procured her license by fraud or misrepresentation, as more fully described in paragraph 12, above.

THIRD CAUSE FOR DISCIPLINE

(Dishonest Act)

14. Respondent is subject to disciplinary action under section 2878, subdivision (a) and (j), on the grounds of unprofessional conduct, Respondent committed an act involving dishonesty, as more fully described in paragraph 12, above.

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PRAYER

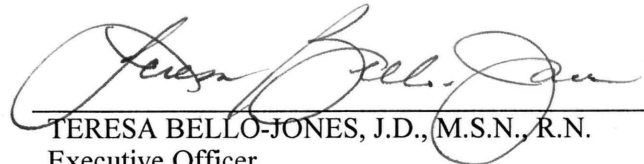
WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians issue a decision:

1. Revoking or suspending Vocational Nurse License Number VN 210313, issued to Debra Ann Valdez;

2. Ordering Debra Ann Valdez to pay the Board of Vocational Nursing and Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

3. Taking such other and further action as deemed necessary and proper.

DATED: July 28, 2011



TERESA BELLO-JONES, J.D., M.S.N., R.N.
Executive Officer
Board of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
State of California
Complainant

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